

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF CALIFORNIA,)
Plaintiff,)

v.)

GERALD ARMSTRONG,)
Defendant.)

No. C 420153

MARY SUE HUBBARD,)
Intervenor.)

DECLARATION OF RICHARD GREENBERG

1. I am an Assistant Director in the Federal Programs Branch of the Civil Division of the Department of Justice. I have held this supervisory position for approximately two years. The statements set forth in this declaration are based upon personal knowledge.

2. Prior to my promotion to my current position, I was one of the lead attorneys responsible for conducting the defense of the federal agencies named as defendants in Founding Church of Scientology of Washington, et al., v. Director, Federal Bureau of Investigation, et al., C.A. No. 78-0107 (D.D.C., dismissed April 9, 1985), aff'd, 802 F.2d 1448 (D.C. Cir. 1986). A petition for certiorari was subsequently denied by the Supreme Court.

3. To assist our defense in the Founding Church litigation, the United States petitioned and was granted, after substantial litigation, access to six identified documents maintained by the Clerk of the Superior Court for the County of

Los Angeles which were the subject of Church of Scientology of California v. Gerald Armstrong, No. C 420153. The order granting access was entered on or about February 27, 1985.

4. These documents were sent to me by the Clerk of the Superior Court by Purolator Courier. Upon receipt, the documents were examined by Department of Justice counsel assigned to this matter and then immediately stored for later use. No copies of the documents have ever been made. Nor have I or anyone else working on the case made any notes regarding the documents.

5. After examining the documents on the day of receipt, the documents were then placed in storage. More specifically, the documents were placed in a sealed envelope which was prominently marked "DO NOT OPEN," and "THESE DOCUMENTS ARE SUBJECT TO PROTECTIVE ORDER." Attached to the envelope was a copy of the Superior Court's Order granting access to the documents. The envelope was then placed in a second envelope which was also sealed.

6. The double-sealed envelope was then placed in a locked file cabinet. The file cabinet was maintained in a separate storage room which was also locked at all times. The security measures for the documents were comparable to the measures routinely taken for the handling of classified documents.

7. On March 1, 1988, I reviewed a brief filed by the Church of Scientology in the California Court of Appeals which opposed the United States' motion to dismiss the Church's appeal of Judge Breckinridge's Order granting access to certain

documents discussed above. I immediately retrieved the documents at issue, noted that the seals on the envelopes remained unopened, and then sent the documents to the Clerk of the Superior Court of Los Angeles County by Express Mail. A copy of the cover letter sent to the Clerk of the Court is attached.

8. As the foregoing indicates, the United States no longer has possession of the documents that are the subject of Judge Breckenridge's Order, has no copies of the documents and has no notes regarding the contents of the documents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


RICHARD GREENBERG

Dated: 3/2/88